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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,676	03/14/2007	Kelvin Hamilton	MC1-8146	8526

7590 10/07/2009
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EXAMINER

TSAI, CAROL S W

ART UNIT	PAPER NUMBER
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2857

MAIL DATE	DELIVERY MODE
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10/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,676	Applicant(s) HAMILTON ET AL.	
	Examiner CAROL S. TSAI	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 16-36 were drawn to an invention nonelected without traverse in the reply filed on September 18, 2009. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because numbers, letters and reference characters must be at least 0.32 cm (1/8 inch) in height. See Figure(s) (1-18). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 3, 4, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 2004/0199573 to Schwartz et al.
5. With respect to claims 1, 14, and 15, Schwartz et al. disclose a diagnostics system comprising: a topological map of a target system that has nodes that correspond to components of the target system and links that correspond to connections between the components (see paragraphs 0002 and 0014, lines 10-24); a knowledge store that has a structure that reflects or corresponds to that of the topological map, the store having a plurality of sections or libraries each of which is provided for storing data associated with one of the nodes defined in the topological map (see paragraphs 0013 and 0014, lines 24-48); means for receiving data from one or more sensors on the target system (see paragraph 0017, lines 1-4); means for including either the received data in the topological map and/or data that is a function of that received data (see paragraph 0013, lines 9-13), and means for diagnosing faults using the data in the topological map and the knowledge store (see Abstract, lines 1-15 and paragraph 0005 and 0013).
6. As to claim 3, Schwartz et al. also disclose one or more parameter nodes being provided in association with each component node for storing the received data and/or the generated data (see paragraph 0016).
7. As to claim 4, Schwartz et al. also disclose a plurality of diagnostic tools, preferably one or more domain independent diagnostic tools (see Abstract, lines 13-15 and paragraph 0014, lines 10-19).

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8. As to claim 13, Schwartz et al. also disclose means for generating an ordered list of suspicious components, preferably with the most suspicious component presented first (see paragraph 0094, lines 4-6).

Allowable Subject Matter

9. Claims 2 and 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Lovy et al. disclose a network appliance for monitoring, diagnosing and documenting problems among a plurality of devices and processes (objects) coupled to a computer network utilizes periodic polling and collection of object-generated trap data to monitor the status of objects on the computer network.

12. Discenzo et al. disclose systems and methods for controlling, diagnosing and prognosing the health of a motorized system.

13. Yemini et al. disclose a computer implemented method for determining the source of a problem in a complex system of managed components based upon symptoms.

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14. Bajpai et al. disclose a general purpose expert system architecture for diagnosing faults in any one of a plurality of machines including a machine information database containing information on characteristics of various components of the machines to be diagnosed and a sensory input database which contains vibration data taken at predetermined locations on each of the machines.

15. Bentley et al. disclose a data-processing subsystem diagnoses problems in one of its own subsystems, by sensing the configuration of the subsystem, displaying both text and graphic information concerning control settings and indicators on components of the subsystem, displaying information directing an operator to perform certain actions, receiving his inputs, then selecting and performing tests upon the subsystem components based upon the configuration, previous test results, and operator inputs.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAROL S. TSAI whose telephone number is (571)272-2224. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos-Feliciano S. Eliseo can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 30, 2009

Art Unit 2857

/Carol S Tsai/

Primary Examiner, Art Unit 2857